

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, SEPTEMBER 2, 2009**

- C-1 Call to Order / Roll Call - N/A
- C-2 Announcement of Closed Session - N/A
- C-3 Adjourn to Closed Session - N/A
- C-4 Return to Open Session / Disclosure of Action - N/A
- A. Call to Order / Roll call

The Regular City Council meeting of September 1, 2009, was called to order by Mayor Hansen at 7:02 p.m.

Present: Council Member Hitchcock, Mayor Pro Tempore Katzakian, and Mayor Hansen  
Absent: Council Member Johnson, and Council Member Mounce  
Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

- B. Invocation - Barbara Taylor, Lodi Police Chaplain
- C. Pledge of Allegiance
- D. Presentations
- D-1 Awards - None
- D-2 Proclamations - None
- D-3 Presentations - None
- E. Consent Calendar (Reading; Comments by the Public; Council Action)

Mayor Hansen made a motion, second by Mayor Pro Tempore Katzakian, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: None

Absent: Council Member Johnson, and Council Member Mounce

- E-1 Receive Register of Claims in the Amount of \$5,886,101.41 (FIN)

Claims were approved in the amount of \$5,886,101.41.

- E-2 Approve Minutes (CLK)

The minutes of August 18, 2009 (Shirtsleeve Session), August 19, 2009 (Regular Meeting), and August 25, 2009 (Shirtsleeve Session) were approved as written.

- E-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Hale Park, 209 East Locust Street, and Blakely Park, 1050 South Stockton Street, Playground Surfacing Improvements (PR)

Approved the plans and specifications and authorized advertisement for bids for Hale Park, 209 East Locust Street, and Blakely Park, 1050 South Stockton Street, Playground Surfacing Improvements.

- E-4 Approve Plans and Specifications and Authorize Advertisement for Bids for DeBenedetti Park (G-Basin) Storm Drain Improvements (PW)

Approved the plans and specifications and authorized advertisement for bids for DeBenedetti Park (G-Basin) Storm Drain Improvements.

- E-5 Adopt Resolution Rejecting Bid for Installation, Maintenance, and Monitoring Services of Surveillance Camera System and Accessories in McLane, Killelea, and Industrial Substations (EUD)

Adopted Resolution No. 2009-118 rejecting the bid for installation, maintenance, and monitoring services of surveillance camera system and accessories in McLane, Killelea, and Industrial Substations.

- E-6 Adopt Resolution Awarding Contract for Traffic Stripes for Various City Streets 2009 to Chrisp Company, of Fremont (\$22,960) (PW)

Adopted Resolution No. 2009-119 awarding the contract for Traffic Stripes for Various City Streets 2009 to Chrisp Company, of Fremont, in the amount of \$22,960.35.

- E-7 Adopt Resolution Authorizing the City Manager to Execute an Agreement to Withdraw Lodi from the Western GeoPower Inc. Renewable Energy Power Purchase Agreement (EUD)

This item was pulled for further discussion by Council Member Hitchcock.

In response to Council Member Hitchcock, Mayor Hansen stated that as the project went further it became more expensive than was anticipated, time lines were not being met, financial support was lacking, and the project came in at \$117 per mega watt hour and the City was looking at a lower price. Interim Electric Utility Director Ken Weisel stated this was not a part of the existing portfolio for the City and the requirements are already met with other power resources. Mr. Weisel stated he is comfortable that the standards can be met without this power source.

In response to Council Member Hitchcock, Mr. Weisel stated there was no significant money that was invested in the project that will be lost other than Northern California Power Agency staff time.

Council Member Hitchcock made a motion, second by Mayor Hansen, to adopt Resolution No. 2009-121 authorizing the City Manager to execute an agreement to withdraw Lodi from the Western GeoPower Inc. Renewable Energy Power Purchase Agreement.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: None

Absent: Council Member Johnson, and Council Member Mounce

- E-8 Adopt Resolution of Vacation of Surplus Portion of Loma Drive Lying Adjacent to Parcel Located at 1310 West Turner Road and Authorize the City Manager to Execute Agreement to Exchange the Vacated Right-of-Way for Public Improvements (PW)

Adopted Resolution No. 2009-120 of vacation of surplus portion of Loma Drive lying adjacent to the parcel located at 1310 West Turner Road and authorized the City Manager to execute an agreement to exchange the vacated right-of-way for public improvements.

- E-9 Appoint Electric Utility Director to Northern California Power Agency and Transmission Agency of Northern California (CLK)

Appointed the position of Electric Utility Director to Northern California Power Agency and Transmission Agency of Northern California.

- E-10 Set Public Hearing for September 16, 2009, to Consider the Reallocation of Available Urban County Community Development Block Grant and HOME Program Funding (CD)

Set public hearing for September 16, 2009, to consider the reallocation of available Urban County Community Development Block Grant and HOME Program funding.

- F. Comments by the Public on Non-Agenda Items  
THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES. The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted. Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

None.

- G. Comments by the City Council Members on Non-Agenda Items

Mayor Hansen reported on his attendance at various commission meetings where the topics of discussion included Highway 12 closure from September 14 to 17, competitive Tiger Funds through federal stimulus for I-5 and Port of Stockton, the start of the east Lodi Avenue improvement project, Lodi Energy Center moving forward, and renewable portfolio standards to meet the requirements of AB 32.

- H. Comments by the City Manager on Non-Agenda Items

City Manager King provided an update on the installation of the art piece known as "Celebrate the Harvest" at the corner of School Street and Oak Street. Mr. King also stated progress was being made on holding the Downtown Summit event as property owners and visitors are being surveyed on their thoughts for downtown. Mr. King also provided a brief update on the California Communities Bond option and the status of various federal grants.

- I. Public Hearings

- I-1 Public Hearing to Consider Adoption of Resolution Levying Annual (2010) Assessment for Downtown Lodi Business Improvement Area No. 1 and Confirming the Downtown Lodi Business Partnership 2009-10 Annual Report (as Approved by Council on August 19,

2009) (CM)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hansen called for the public hearing to consider adoption of resolution levying annual (2010) assessment for Downtown Lodi Business Improvement Area No. 1 and confirming the Downtown Lodi Business Partnership (DLBP) 2009-10 Annual Report (as approved by Council on August 19, 2009).

City Manager King briefly introduced the subject matter of the public hearing and proposed assessment. Mr. King described the process associated with the protest and the levying of the assessment.

Mayor Hansen opened the public hearing.

June Aaker of Abrahamson Printing formally protested the assessment based on concerns regarding discrepancies in the mission statement of the DLBP, operations of the DLBP, and general observations associated with the contact between business owners and DLBP.

Mayor Hansen closed the public hearing after receiving no further public comments.

City Clerk Johl reported the only protest received was that from June Aaker, the single protest falls below the requisite number to sustain the protest, and the assessment may be imposed.

Council Member Hitchcock made a motion, second by Mayor Hansen, to adopt Resolution No. 2009-122 levying annual (2010) assessment for Downtown Lodi Business Improvement Area No. 1 and confirming the Downtown Lodi Business Partnership 2009-10 Annual Report (as approved by Council on August 19, 2009).

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: None

Absent: Council Member Johnson, and Council Member Mounce

J. Communications

J-1 Claims Filed Against the City of Lodi - None

J-2 Appointments - None

J-3 Miscellaneous - None

K. Regular Calendar

K-1 Consider Authorizing the City Manager to Enter into Memorandum of Understanding between Northern California Power Agency and the City of Lodi Regarding the Lease, Development, and Cleanup of the Lodi Energy Center Site (CA)

City Manager King briefly introduced the subject matter of the Memorandum of Understanding (MOU) between the Northern California Power Agency (NCPA) and the City of Lodi for the clean up of the Lodi Energy Center. Mr. King and Mr. Schwabauer provided a PowerPoint presentation regarding the proposed agreement and specifically discussed the history associated with the ground lease, land lease terms, water supply, environmental mitigation and clean up, additional terms, and financial benefits.

In response to Mayor Hansen, Mr. Schwabauer stated the San Joaquin Council of Governments (SJCOG) has advocated for land in lieu of a fee because SJCOG understands that money would not necessarily buy a habitat. Mr. Schwabauer stated in addition the SJCOG program is not available here and the process would go through the Fish and Wildlife organization instead.

In response to Council Member Hitchcock, Mr. Schwabauer stated SJCOG has indicated that there is no other garter snake habitat available in Northern California. Mr. Schwabauer stated the comparable must be with garter snake habitats and there are no other improvements required for the site as may be needed if the City goes through another regulatory process.

In response to Council Member Hitchcock, Mr. King stated with respect to an appraisal some language is taken from the State agreement. Mr. King also reviewed the terms of the former steam injected gas turbine lease and the history associated with the same. Mr. Schwabauer stated the terms specifically require that the appraisal will be completed by a mutually acceptable party.

In response to Council Member Hitchcock, Mr. King stated lease payments for City-owned facilities generally go into the general fund although some go into park related funds based on parks and recreation functions.

In response to Mayor Hansen, Mr. King confirmed the lease itself will go up to \$60,000, totaling \$1.2 million per year to start out.

Council Member Hitchcock made a motion, second by Mayor Hansen, to authorize the City Manager to enter into an MOU between NCPA and the City of Lodi regarding the lease, development, and cleanup of the Lodi Energy Center site.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: None

Absent: Council Member Johnson, and Council Member Mounce

K-2 Adopt Resolution Amending the Bylaws for the Lodi Improvement Committee to Reduce the Membership of the Committee from Nine to Seven (CD)

City Manager King briefly introduced the subject matter of the Lodi Improvement Committee composition.

Neighborhood Services Manager Joseph Wood provided an overview regarding the Lodi Improvement Committee composition, difficulty associated with achieving a quorum, bylaw amendment, and the opportunity to change the membership due to attrition.

Mayor Hansen made a motion, second by Council Member Hitchcock, to adopt Resolution No. 2009-123 amending the bylaws for the Lodi Improvement Committee to reduce the membership of the Committee from nine to seven.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: None

Absent: Council Member Johnson, and Council Member Mounce

**K-3    Adopt Resolution Approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2008-09 (PW)**

City Manager King briefly introduced the subject matter of the impact mitigation fee program.

Public Works Director Wally Sandelin provided an overview of the impact mitigation fee program and the annual report for the 2008-09 fiscal year. Specific topics of discussion included revenue intake, expenditures, debt service, model revisions and rate increase to cover the service, contributions to transit shop, and the last payment to San Joaquin Council of Governments (SJCOG) for improvements.

In response to Mayor Hansen, Mr. Sandelin stated the fire loan for Station 4 has not decreased, as available revenues are being used to pay for the ladder truck lease, the current level indicates the loan would not be paid off for another 40 years, and staff is in the process of correcting the fee associated with the same which will shorten the loan payment significantly.

In response to Council Member Hitchcock, Mr. Bartlam stated Fire Station 4 is covered in the existing General Plan, no new fire stations are considered for future development, and the issue with the fire station was one of timing in that the fire station was built prior to all the units being constructed.

In response to Council Member Hitchcock, Mr. Sandelin stated the number of units to cover the debt for Fire Station 4 is about 3,000 and the only front loaded money was used for studies as he is not aware of any capital upfront money. Council Member Hitchcock requested information regarding the purpose and amount of the money front loaded for Fire Station 4.

In response to Mayor Hansen, Mr. Sandelin stated the expenditures for transit and the MSC are listed in Exhibit B and total approximately \$905,000 across three different funds.

In response to Mayor Hansen, Mr. Sandelin stated that the updated fee program will be brought to Council by the end of 2010. Mr. King stated the timing is consistent with the anticipated completion of the General Plan in December 2009 which will drive some of the fee program.

In response to Mayor Hansen, Mr. King stated the community facilities district tax applies to each subdivision with four units and it is intended to include services such as fire, police, library, and parks.

Mayor Hansen made a motion, second by Mayor Pro Tempore Katzakian, to adopt Resolution No. 2009-124 approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2008-09.

**VOTE:**

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: None

Absent: Council Member Johnson, and Council Member Mounce

**K-4    Adopt Resolution Approving City of Lodi's Sewer System Management Plan and Approving Staffing Additions (PW)**

City Manager King provided a brief introduction to the subject matter of the Sanitary Sewer Management Plan (SSMP).

Water Services Manager Charlie Swimley provided a PowerPoint presentation regarding the SSMP. Specific topics of discussion included the presentation overview, Waste Discharge

Requirements (WDR) Order 2006-003, what is a SSMP, SSMP objectives, elements of the SSMP, system overview, and various pictures depicting wastewater collection system, Washington Street pipeline, Washington Street pipe profile, final destination, maintenance crews at work, sanitary sewer overflow (SSO), what is an SSO, examples of SSOs, SSO categories, reporting requirements, SSO tracking, reporting requirements for private spills, City's response to the WDR, operations enhancements, and proposed staffing additions.

In response to Council Member Hitchcock, Mr. King stated the approval of staffing additions could occur tonight if Council so desires, although the positions would not be added until mid-year at the earliest. He stated the pertinent action for the evening is the approval of the plan itself and there is time to bring back additional information on the staffing.

In response to Mayor Hansen, Mr. Swimley stated the older 1968 Ford truck will be replaced with the newer truck and kept as a back-up.

In response to Mayor Hansen, Mr. Swimley stated that, with respect to minimum-maximum penalties, the new positions may be connected in that the individuals doing the monitoring may have an opportunity to notify us prior to a penalty being assessed, although it would be highly unlikely that such an incident would occur.

In response to Council Member Hitchcock, Mr. Swimley stated currently the departmental budget is tracked by him, Mr. Sandelin, and Ms. Areida. Mr. Sandelin stated the analyst position is a technical position with a college degree and not a management position. A brief discussion ensued among Council Member Hitchcock, Mr. Sandelin, and Mr. Swimley regarding the nature and responsibilities of the positions sought.

Council Member Hitchcock suggested that more detailed information regarding the analyst position and its connection to the other positions in the department be brought back to Council at a later date.

Council Member Hitchcock made a motion, second by Mayor Hansen, to adopt Resolution No. 2009-125 approving the City of Lodi Sewer System Management Plan and approving staffing additions (with the exception of the Management Analyst position).

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: None

Absent: Council Member Johnson, and Council Member Mounce

L. Ordinances - None

M. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:30 p.m.

ATTEST:

Randi Johl  
City Clerk